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S.B. CIVIL WRIT PETITION NO.7684/2007.
Rakesh Vyas Vs. Rajasthan High Court & Anr.

Date of Order :: 29th November 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Mukesh Rajpurohit, for the petitioner.

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BY THE COURT:

Having heard learned counsel for the petitioner and having examined the material placed on record, this Court is satisfied that the petitioner is not entitled for any relief and this writ petition does not merit admission.

While stating that he is possessing qualification of B.Com, LL.B and D.C.L.L., the petitioner has averred that on 17.07.2007, the respondent No.2 (District & Sessions Judge, Jalore) invited applications for appointment to the post of Lower Division Clerk; that in all six vacancies were advertised for the said post of LDC that are governed by the Rajasthan Subordinate Judicial Staff Rules, 1986; that being eligible, the petitioner applied for the same and was called for the written test held on 30.09.2007; that he appeared in the written test and, according to the petitioner, “as per his assessment he should have obtained more than 50 marks in English subject and 75 marks in Hindi”; that the respondent No.2 issued select list and the petitioner was surprised to know that his name has

not been included in the select list; that he submitted an application under the Right to Information Act 2005 ('the Act of 2005') for supplying the information about the marks obtained and the said select list also; that despite making application, the requisite information has not been suplied; that thereafter the petitioner submitted a representation to Hon'ble the Chief Justice of Rajasthan High Court on 14.11.2007 (Annex.6); that nothing has been done in the matter and now the petitioner has come to know that type test will be held on 25.11.2007.

The petitioner has prayed for the relief in the writ petition that the respondents may be directed to supply him copy of the select list as well as his result; and the respondents be directed to publish fresh select list after showing the percentage of the candidates and if the name of the petitioner also falls in the same, he may be called for typing test.

The representation as made by the petitioner to Hon'ble the Chief Justice reads thus:

> "आपसे निवेदन है कि दिनांक 25.9.2007 को जिला एवं सेशन न्यायालय जालौर द्वारा कनिष्ठ लिपिक के 6 सामान्य पदों के लिए परीक्षा आयोजित की गई थी, उस परीक्षा में उस परीक्षा में मैंने भाग लिया था तथा उसका परिणाम दिनांक 23.10.2007 को घोषित किया गया जिसमें मुझे अनुत्तीर्ण घोषित किया गया, जबकि इस परीक्षा मैनें सभी विषयों (हिन्दी व अंग्रेजी) के प्रश्नों के उत्तर पूर्णतया सही किये थे, जिनका मिलान मैनें परीक्षा समाप्ति पर किया था, तथा मुझे पूर्ण विश्वास था कि मैं उक्त परीक्षा में उत्तीर्ण हो जाउंगा, किन्तु मुझे अनुत्तीर्ण घोषित किया गया ।

अत: आपसे निवेदन है कि अगर परीक्षा में अधिकारियों द्वारा गड़बड़िया तथा धांधली की जाती है तो हमारे द्वारा की गई मेहनत व परीक्षा की तैयारी का कोई तात्पर्य नहीं रहता । इसलिये आपसे निवेदन है कि आप स्वयं इस कनिष्ठ लिपिक की परीक्षा तथा घोषित परिणाम की विभागीय जांच शीघ्रताशीघ्र करवाने की कृपा करें ।

मुझे पूर्ण विश्वास है कि आप इस विषय में हमारी पूर्णतया मदद करेंगे । कष्ट के लिए क्षमा ।"

The submissions as made in the representation are only suggestive of the prayer to Hon'ble the Chief Justice for inquiry into the matter. With reference to the said kind of representation, it does not appear appropriate a case wherein a writ in the terms prayed for be issued.

So far the submissions regarding non-supply of the information are concerned, apart from the fact that the petitioner has failed to state as to under which rule, marks obtained by him are required to be supplied, if at all; yet if the petitioner was entitled for information under the Act of 2005 and made an application therefor and has any grievance in that relation, nothing prevented him from taking recourse to the appropriate remedy under the Act of 2005.

Having examined the averments as taken by the petitioner, this Court is satisfied that no case for issuance of any writ, order or direction is made out at the instance of the petitioner who has raised the grievance essentially on the

submission that according to his assessment he was to succeed in the written test. Such assumption, in his own favour, by the petitioner hardly gives rise to any cause to claim any right to relief.

The writ petition fails and is, therefore, rejected.

(DINESH MAHESHWARI), J.

Mohan/